

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	CHAPTER 7
	:	
QUENTIN BARRETT,	:	CASE NO. 18-66540-LRC
	:	
Debtor.	:	
	:	
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NATIONSTAR MORTGAGE LLC D/B/A MR.	:	
COOPER,	:	CONTESTED MATTER
	:	
Movant.	:	
	:	
vs.	:	
QUENTIN BARRETT,	:	
JORDAN E. LUBIN, Trustee	:	
	:	
Respondents.	:	

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY

Movant has filed documents with the court to obtain relief from the automatic stay.

YOUR RIGHTS MAY BE AFFECTED. You should read these documents carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant relief from the automatic stay or if you want the court to consider your views on the motion, then you or your attorney shall attend the hearing scheduled to be held on

November 29, 2018 at 10:00 AM at the **United States Bankruptcy Court, 75 Ted Turner Drive S.W., Courtroom 1204**, Atlanta, Georgia 30303.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief.

You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Send your response so that it is received by the Clerk at least two business days before the hearing.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

The address of the Clerk's Office is: Clerk, 75 Ted Turner Drive S.W., Suite 1340, Atlanta, Georgia 30303. You must also send a copy of your response to the undersigned at the address stated below.

Dated this: 10/15/2018 _____

/s/ Michael J. McCormick

Michael J. McCormick, GA BAR NO.
485749

Attorney for Movant

McCalla Raymer Leibert Pierce, LLC

1544 Old Alabama Road

Roswell, Georgia 30076

678-281-3918

Michael.McCormick@mccalla.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
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IN RE:)	CHAPTER 7
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QUENTIN BARRETT,)	CASE NO. 18-66540-LRC
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Debtor.)	

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NATIONSTAR MORTGAGE LLC D/B/A)	CONTESTED MATTER
MR. COOPER,)	
)	
Movant.)	
)	
vs.)	
QUENTIN BARRETT,)	
JORDAN E. LUBIN, Trustee)	
)	
Respondents.		

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant and shows this Court the following:

1.

This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and the contract between the parties, including, but not limited to, the right to foreclose on certain real property.

2.

Movant is the servicer of a loan secured by certain real property in which Debtor claims an interest. A copy of the Security Deed is attached hereto and made a part hereof. Said real property is security for a promissory note, and is commonly known as 4251 Fiddlers Bnd., Loganville, Georgia 30052 (the "Property").

3.

Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

4.

Debtor is in default of the monthly installments pursuant to the terms of the Note and subsequent Loan Modification Agreement. As of October 3, 2018, Debtor is delinquent for eight (8) payments (March, 2018 through October, 2018), pursuant to the terms of the Note and subsequent Loan Modification Agreement.

5.

As of October 3, 2018, the unpaid principal balance is \$111,669.78, and interest is due thereon in accordance with the Note and subsequent Loan Modification Agreement.

6.

Because of Debtor's default and clear inability to make all required payments, Movant is not adequately protected and shows that there is cause for relief from the automatic stay.

7.

Because there may be little or no equity in the property which could benefit the Estate, the Trustee's interest should be deemed abandoned.

8.

Because the Security Deed so provides, Movant is entitled to its attorney's fees.

9.

Movant requests it be permitted to contact the Debtor via telephone or written

correspondence regarding potential loss mitigation options pursuant to applicable non-bankruptcy law, including loan modifications, deeds in lieu of foreclosure, short sales and/or any other potential loan workouts or loss mitigation agreements.

WHEREFORE, Movant prays (1) for an Order modifying the automatic stay, authorizing Movant, its successors and assigns, to proceed with the exercise of its private power of sale and to foreclose under its Security Deed and appropriate state statutes; (2) for an award of reasonable attorney's fees; (3) that Movant, at its option, be permitted to contact the Debtor via telephone or written correspondence regarding potential loss mitigation options pursuant to applicable non-bankruptcy law, including loan modifications, deeds in lieu of foreclosure, short sales and/or any other potential loan workouts or loss mitigation agreements; (4) for waiver of Bankruptcy Rule 4001 (a)(3); and (5) for such other and further relief as is just and equitable.

/s/ **Michael J. McCormick**

Michael J. McCormick, Georgia BAR NO.
485749

Attorney for Movant

McCalla Raymer Leibert Pierce, LLC

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Roswell, Georgia 30076

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Michael.McCormick@mccalla.com

BANKRUPTCY CASE NO. 18-66540-LRC

CHAPTER 7

CERTIFICATE OF SERVICE

I, Michael J. McCormick, of McCalla Raymer Leibert Pierce, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076-2102, certify:

That on the date below, I served a copy of the within NOTICE OF ASSIGNMENT OF HEARING, together with the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, postage prepaid, unless another manner of service is expressly indicated:

Quentin Barrett, Debtor Pro Se
4251 Fiddlers Bend
Loganville, GA 30052

Jordan E. Lubin, Trustee
Lubin Law, P.C.
Building 2
8325 Dunwoody Place
Atlanta, GA 30350-3307
(served via email at jordan.lubin@laslawgroup.com)

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: By: 10/15/2018
(date)

/s/ **Michael J. McCormick**
Michael J. McCormick Georgia BAR NO. 485749
Attorney for Movant